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**Subject:** FW: Region 6 Weekly Report  
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FYSA. Please read

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**Subject:** Region 6 Weekly Report

#### **UPCOMING HOT ISSUES AND IMPORTANT DEADLINES**

August 24, 2017

#### **Hurricane Harvey**

Tropical Storm Harvey intensified to a Hurricane Cat 1 at 12 noon on August 24. The hurricane is expected to increase intensity to Cat 3 before making landfall in Texas, near Corpus Christi late on Friday. FEMA and other federal agencies (including EPA) are reading for the storm. FEMA has not received any requests for assistance from states or tribes in the area. Bureau of Safety and Environmental Enforcement (BSEE) reports 10% of oil and gas production in the Gulf has been impacted with 39 platforms and 1 rig evacuation in advance of the storm. Region 6 is taking action to ensure that Superfund Sites are secured in advance of the storm, to plan for approximately 300 public water system rapid assessments, to process emergency fuel waiver requests, and to seamlessly integrate emergency response activities with Texas, Louisiana, and other federal response agencies.

#### **Texas Regional Haze and Interstate Visibility Transport**

EPA is currently subject to a deadline of September 9, 2017 under two consent decrees issued by two different federal district courts in the District of Columbia (one for best available retrofit technology [BART] for regional haze, and one for interstate visibility transport). EPA's final action on regional haze is expected to address the issues in both BART and interstate visibility transport. On

August 18, 2017, EPA (through the Department of Justice) filed a motion in both courts to extend the consent decree deadline to December 31, 2018. The basis for the extension request is the changed circumstances between EPA and the State of Texas, and the recently signed Memorandum of Agreement (MOA) between EPA and the Texas Commission on Environmental Quality (TCEQ) outlining the procedural steps each agency will take to address a State Implementation Plan (SIP) revision to address regional haze requirements that will be submitted by the TCEQ to EPA. Pursuant to the MOA, the TCEQ Executive Director will propose a SIP revision for consideration by the TCEQ commissioners by March 31, 2018. EPA will parallel process the SIP revision. The TCEQ will complete its administrative process and submit the SIP revision to EPA by October 31, 2018. EPA intends to sign a final action on the SIP revision by December 31, 2018.

### **Offshore Oil and Gas General Permit, Western Gulf of Mexico**

Region 6 sent response-to-comments and proposed changes of the final permit to solicit internal review comments and input so that the Permitting Section will have proposed final decisions prior to briefing upper management. On August 18 and 20, Region 6 held an informal telephone call with the Joint Trades Committee to discuss the 5 remaining technical issues. Feedback from industry indicated they are generally in agreement with the direction of final permit, including being able to live with the 5 issues not being granted by EPA. On August 30, 2017, Region 6 will be signing a Record of Decision (ROD) adopting the Bureau of Ocean Energy Management's (BOEM) final Environmental Impact Statement (EIS) covering oil and gas exploration and development in the Gulf of Mexico. EPA was a cooperating federal agency for the BOEM EIS, but a ROD adopting the final EIS is necessary to document EPA's NEPA compliance prior to finalizing the Outer Continental Shelf General Permit GMG290000. A briefing for upper management and HQs is scheduled for September 5, 2017. The Region is currently on schedule to reissue the permit before its September 30, 2017 expiration date. While existing discharges will remain covered following expiration of the permit, new discharges and transfers of ownership could not receive coverage under the permit, causing significant disruptions to offshore oil and gas production. The western Gulf permit covers about 3,000 facilities and about 10,000 discharges, and ongoing permit coverage is necessary to accommodate frequent operational changes and new development. Region 6 has not received information on the timeline for the OMB review.

### **LDEQ Objection to La 303(d) Decision**

LDEQ asked Region 6 to reconsider its decision to defer action on the Terrebonne Basin Coastal Waters, by letter of June 27, 2017, which identifies this segment as impaired due to depressed dissolved oxygen levels relative to the state's current standard. R6 is in process of responding by letter to the state's concerns, noting that a more comprehensive sampling effort may be needed to better reflect water quality conditions, which can be addressed in the state's next assessment cycle in 2018. Water quality concerns associated with Louisiana's coastal waters are part of a broader challenge of reducing nutrient loading from throughout the Mississippi River Basin to decrease the size of the hypoxic zone.

### **Camp Minden, Minden, Louisiana**

The Citizen's Advisory Group (CAG) Meeting was held August 21, 2017. Discussions during the CAG meeting included the dismantling of the contained burn chamber, ground water results on the remedial site, reuse and the next CAG meeting being held in October 2017. The EPA post removal soil sample property reports have been drafted and are planned to be distributed the week of September 4th.

**San Jacinto River Waste Pits Superfund Site, Houston, Texas**

EPA will meet with the Texas Commission on Environmental Quality to discuss site related issues, including their comments on the Proposed Plan. Currently, EPA Region 6 is preparing responses to public comments on the Proposed Plan. To help with information on the responses, the U.S Army Corps of Engineers will submit a report on technical aspects before September 1. Completion of the Record of Decision and attached Responsiveness Summary is expected in December 2017.

**Bird Creek, Osage County, Oklahoma**

The companies have until 30 days after receipt of order to comment or request a hearing date - Novy and Warren America have until September 6, and Jireh has until September 11. Proposed shut-in Orders have been issued to three companies; Warren American Oil Company, Jireh Resources LLC, and Novy Oil and Gas, Inc., applicable to seven UIC wells. Comments under the public notification requirements of SDWA will be accepted through September 5<sup>th</sup> for Warren American and Novy and until September 15<sup>th</sup> for Jireh Resources. On August 15, 2017, EPA representatives met with Warren American Oil Company and Jireh Resources, LLC related to the proposed Administrative Orders. EPA representatives will meet with Novy Oil and Gas, Inc./ Grayhorse Operating, Inc. related to their Proposed Administrative Order. A strategy for expanding the study area to a 3 mile radius is being developed and implemented, 8 additional injection wells have been identified and will be evaluated similarly to Phase I wells.

**Cochiti Tribe, New Mexico**

Cochiti Lake Public Water Supply recently switched to an emergency well, which is currently a non-EPA approved water source due to several significant deficiencies. The switch occurred on August 6, 2017 due to a failure at the pump of their main well. EPA required the Tribal system operators to notify residents of a Boil Water Advisory and to begin coliform sampling at the source and in the distribution system. Source sample results taken on August 13, and received by EPA on August 21 were total coliform positive. The two subsequent source samples received by EPA have been coliform absent. A call with Cochiti Lake's operator uncovered that the non-approved source is struggling to provide adequate capacity for the population of 500 people and the golf course. EPA will continue to monitor the situation, require bacteriological samples, and ask Cochiti Lake to remain on a Boil Water Advisory until Cochiti Lake is able to fix the pump at the primary well and switch back to that source. According to the operator, the pump has been ordered and is expected to be received and installed by August 25.

**Lone Star Park, Grand Prairie, Texas**

Region 6 installed a remote water quality monitoring screening tool called a Zero Angle Photo Spectroscopy ZAPS LiquiD at Grand Prairie's Lone Star Park horse race track (LSP), located in Grand Prairie, Texas. This study is monitoring for Concentrated Animal Feeding Operation (CAFO) production area pollutants (E. coli, BOD, TSS, Ammonia and Nitrate/Nitrite) for six to eight weeks using ZAPS Technologies. Generated data from the continuous two-minute monitoring is uploaded to the company's managed website that is available to the agency. EPA representatives are also notified when there are readings above the selected detection limit. The real-time ZAPS acquired data will then be correlated against grab samples that meet the 40 CFR 136 analytical requirements for these same parameters. If the ZAPS technology can operate without fouling or the need for excessive maintenance, and produces reliable and comparable data, EPA may then require the use

of this technology in other environments where continuous pollutant monitoring information is required or where pollutant discharges are ongoing into an MS4 from other CAFO locations or industrial/municipal sites. The ZAPS study is being done in cooperation with LSP, who has agreed to host the study. TCEQ has been notified of the installation – they have indicated their interest in participating after the end of their fiscal year (August 31).

## **NEPA**

### **NEPA Record of Decision or OCS General Permit**

EPA intends to sign a Record of Decision (ROD) adopting the Bureau of Ocean Energy Management's (BOEM) final Environmental Impact Statement (EIS) covering oil and gas exploration and development in the Gulf of Mexico. EPA was a cooperating federal agency for the BOEM EIS, but a ROD adopting the final EIS is necessary to document EPA's NEPA compliance prior to finalizing the Outer Continental Shelf General Permit GMG290000.

## **UPCOMING PUBLIC EVENTS**

September 11–13 – National Air Quality Conference, Austin, Texas. Attendees will learn the latest information on air quality forecasting and mapping.

September 17-21 - 19th Annual Stormwater Conference in San Antonio, TX. The Conference will inform and educate professionals on controls that can address water pollution

October 27 – Arkansas Environment Federation 50<sup>th</sup> Annual Convention, Hot Springs, AR. Acting Regional Administrator will keynote.

## **UPCOMING DECISIONS**

### **Arkansas Regional Haze**

Region 6 is proposing approval of the revision of the Arkansas Regional Haze State Implementation Plan (SIP) that was submitted to EPA for parallel processing on July 12, 2017. Arkansas' proposed SIP revision relies on the Cross State Air Pollution Rule (CSAPR) to address the nitrogen oxide (NO<sub>x</sub>) requirements for nine electric generating units (EGUs) in Arkansas and proposing to withdraw federal implementation plan (FIP) emission limits for NO<sub>x</sub> that currently apply to the nine aforementioned units. The Acting Regional Administrator is scheduled to sign the proposal on August 30, 2017.

### **Texas Carbon Monoxide SIP for El Paso**

Region 6 is proposing to approve through a final rule a Texas State Implementation Plan (SIP) revision that establishes a required second 10-year carbon monoxide (CO) maintenance plan for the El Paso, Texas CO maintenance area (El Paso Area). The final rule responds to relevant adverse comments received during the initial direct final rulemaking public comment period.

### **Final Title V Operating Permit Program Evaluation for the Arkansas Department of Environmental Quality**

Region 6 has released the final Title V Operating Permit Program Evaluation for the Arkansas Department of Environmental Quality (ADEQ) on August 22, 2017. Findings have been thoroughly vetted with ADEQ, and it provided a commitment letter to EPA Region 6 identifying specific actions to address identified concerns. The most significant issue relates to documenting utilization of Title V fees to pay only ADEQ Title V program's proportional share of overhead costs.

#### **PAST WEEK ACCOMPLISHMENTS**

##### **Pawhuska School Gas Leak**

Region 6 completed air sampling and monitoring to assist the State Fire Marshall's reopening of the Pawhuska School. The School District will reopen K to 12 grade on Monday, August 28. A ventilation system will be placed on the school's geothermal heating/cooling by the State of Oklahoma. Plugging of the oil and gas well at the ballfield is being conducted by BIA and Osage Minerals Council. Plugging of the oil and gas well by the practice field is being conducted by the well owner under BIA supervision.

#### **PENDING ACTIONS (Pending Federal Register Publication)**

##### **Arkansas Hazardous Waste Incorporation by Reference, Proposed and Direct Final (9966-54-Region6 & 9966-55-Region6)**

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